

The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected under subsection (e) and may be administered by the Secretary as a fund which shall be available until expended.

(g) **CONTRACTS.**—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.

(Added Pub. L. 91-605, title I, §115(a), Dec. 31, 1970, 84 Stat. 1723; amended Pub. L. 96-106, §11, Nov. 9, 1979, 93 Stat. 798; Pub. L. 100-17, title I, §131, Apr. 2, 1987, 101 Stat. 170; Pub. L. 102-240, title VI, §6002, Dec. 18, 1991, 105 Stat. 2166.)

AMENDMENTS

1991—Pub. L. 102-240 amended section generally, revising and expanding existing subsecs. (a) to (c) and adding subsecs. (d) to (g).

1987—Subsecs. (b), (c). Pub. L. 100-17 amended subsecs. (b) and (c) generally. Prior to amendment, subsecs. (b) and (c) read as follows:

“(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

“(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions and individuals.”

1979—Subsec. (b). Pub. L. 96-106 substituted “paragraphs (1), (2),” for “paragraphs (1), (2), (3)” and “75 per centum” for “70 per centum”.

[§ 322. Repealed. Pub. L. 100-17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173]

Section, added Pub. L. 91-605, title II, §205(a), Dec. 31, 1970, 84 Stat. 1742; amended Pub. L. 93-643, §117, Jan. 4, 1975, 88 Stat. 2288; Pub. L. 97-449, §5(d)(3), Jan. 12, 1983, 96 Stat. 2442, related to demonstration projects for elimination or protection of certain ground-level rail-highway crossings and required study of problem of providing increased highway safety at public and private ground-level rail-highway crossings on nationwide basis through elimination of such crossings or otherwise, and report to Congress on such study not later than July 1, 1972.

§ 323. Donations

(a) **DONATIONS OF PROPERTY BEING ACQUIRED.**—Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been fully informed of his right to receive just compensation for the acquisition of his property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, or a political subdivision of a State, as said person shall determine.

(b) **CREDIT FOR DONATED LANDS.**—

(1) **GENERAL RULE.**—Notwithstanding any provision of this title, the State matching share for a project with respect to which Federal assistance is provided out of the Highway Trust Fund (other than the Mass Transit Account) may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the date of the enactment of this subsection.

(2) **ESTABLISHMENT OF FAIR MARKET VALUE.**—The fair market value of the donated land shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier.

(3) **LIMITATION ON APPLICABILITY.**—This subsection shall not apply to donations made by an agency of a Federal, State, or local government.

(4) **LIMITATION ON AMOUNT OF CREDIT.**—The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project to which the donation is applied.

(c) **PROCEDURES.**—A gift or donation in accordance with subsection (a) may be made at any time during the development of a project. Any document executed as part of such donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 shall clearly indicate that—

(1) all alternatives to a proposed alignment will be studied and considered pursuant to such Act;

(2) acquisition of property under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

(3) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings, if required, and completion of the environmental document.

(Added Pub. L. 93-87, title I, §145(a), Aug. 13, 1973, 87 Stat. 273; amended Pub. L. 93-643, §112, Jan. 4, 1975, 88 Stat. 2285; Pub. L. 100-17, title I, §146(a), Apr. 2, 1987, 101 Stat. 179.)

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 100-17, which was approved Apr. 2, 1987.

The National Environmental Policy Act of 1969, referred to in subsec. (c), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

1987—Pub. L. 100-17 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).